

**DENTISTRY EXAMINING BOARD  
MINUTES  
MAY 3, 2006**

**PRESENT:** Lori Barbeau, DDS; Bruce Barrette, DDS; Linda Bohacek, RDH; David Carroll, RDH; Keith D. Clemence, DDS; Judith Ficks; Wilber Gill, DDS; Karen M. Jahimiak, DDS; Nanette Kosydar Dreves, RDH; Richard Strand, DDS; and Anne N. Taylor

**APPOINTEES**

**PRESENT:** Marc Blum, DDS; Blane Christman, DDS; Adriana Jaramillo, DDS; and Kirk Ritchie, DDS

**STAFF PRESENT:** Tom Ryan, Bureau Director; Dennis Schuh, Legal Counsel; PJ Monson, Bureau Assistant; and other DRL staff

**GUESTS:** Debbie Rosema, Orapharma, Johnson & Johnson, Wisconsin Dental Hygienists Association (WDHA); Mara Brooks and Dr. Eva Dahl, Wisconsin Dental Association (WDA); and Jeremy Levin, Wisconsin Medical Society (WMS)

**CALL TO ORDER**

Chair Bruce Barrette called the meeting to order at 8:39 a.m. A quorum of 11 members was present.

**PLEDGE OF ALLEGIANCE**

The pledge of allegiance was recited.

**APPROVAL OF AGENDA**

**Additions to agenda**

- Between Item K & L – Proposed Stipulation, Final Decision and Order in the matter of disciplinary proceedings against Gretchen K. Evenson, DDS.

**Deletions from agenda**

- Administrative Report
  - Board/Staff Communications Subcommittee – Secretary Celia Jackson
  - DRL Staff Changes
  - Deputy Secretary Barbara Wyatt Sibley
- Board/Staff Communications Subcommittee

**MOTION:** Wilber Gill moved, seconded by Keith Clemence, to approve the agenda with amendments. Motion passed by roll call vote. (8 yes, 3 no: Lori Barbeau-no; Bruce Barrette-yes; Linda Bohacek-no;

David Carroll-yes; Keith Clemence-yes; Judith Ficks-yes; Wilber Gill-yes; Karen Jahimiak-yes; Nanette Kosydar Dreves-yes  
Richard Strand-yes; Anne N. Taylor-no).

**MOTION:** Lori Barbeau moved, seconded by Anne N. Taylor, that all agenda items submitted to the Board Chair be distributed to all board members so they can compare to the final agenda draft as approved by the Board Chair. Motion carried unanimously.

### **APPROVAL OF MINUTES OF MARCH 1, 2006**

Nanette Kosydar Dreves handed out revised minutes and noted the following amendments.

#### **Amendments to minutes:**

- Footer date should be March 1, 2006
- Add Kirk Ritchie to the appointee list

**MOTION:** Wilber Gill moved, seconded by Richard Strand, to approve the March 1, 2006 minutes as amended. Motion carried unanimously.

**MOTION:** Lori Barbeau moved, seconded by Anne N. Taylor, to approve the suggestions by Nan (Nanette Kosydar Dreves) with the exception that my (Lori Barbeau) comments be added to the meeting minutes. Motion carried unanimously.

### **PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

Attorney Michael Berndt presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Donald Wade, DDS.

Attorney Gilbert Lubcke presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Jorge Pinero, DDS.

Attorney Pamela Stach presented the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Gretchen K. Evenson, DDS.

### **WIS. ADMIN. CODE § DE 7 – DEFINITION OF LOCAL ANESTHESIA**

#### **Review of Clearinghouse Report**

The Board reviewed the Clearinghouse report.

**Public Hearing**

Testimony was received on the proposed rule.

**SCOPE STATEMENT REGARDING ENDORSEMENT OF DENTAL LICENSE APPLICATIONS BY DENTISTS LICENSED IN OTHER STATES, TERRITORIES, AND COUNTRIES THAT HOLD DEGREES FROM NON-ACCREDITED DENTAL SCHOOLS**

**MOTION:** Keith Clemence moved, seconded by Nanette Kosydar Dreves, to adopt the scope statement as written. Motion carried.

**ANESTHESIA AND CONSCIOUS SEDATION RULE**

**MOTION:** Wilber Gill moved, seconded by David Carroll, to approve the rule with the deletion of section 11.09 (7). Motion carried unanimously.

**PRACTICE QUESTION – DELEGATION OF MICRODERMABRASION PROCEDURES - AMERICAN ASSOCIATION OF ORAL AND MAXILLOFACIAL SURGEONS - SUSAN FINN – LEGAL ASSISTANT**

**MOTION:** Keith Clemence moved, seconded by Wilber Gill, that legal counsel draft a letter to answer the question expressing the opinion of the Board that dentists can perform microdermabrasion in a dental office. Motion carried unanimously.

**MOTION:** Lori Barbeau moved, seconded by Richard Strand, to amend the previous motion and add the words - dentist with ‘specific training’ can perform microdermabrasion in a dental office. Motion carried unanimously.

**EFFECTIVE DATE OF WREB AND ADEX PARTS I AND III REQUIREMENT**

**MOTION:** Nanette Kosydar Dreves moved, seconded by Richard Strand, to accept the WREB examination for licensure for dentistry with the provision that applicants who have successfully completed the WREB examination after Dec 31, 2005 must also complete ADEX part I in diagnosis and treatment planning and part III of the mannequin examination in fixed prosthodontics. Motion carried unanimously.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, AND ADMINISTRATIVE RULES**

Tom Ryan advised the Board on 2005 Wisconsin Act 318, relating to Continuing Education for Dental Hygienists.

### **Website Position Papers**

The Board requests the conscious sedation rule be put on the web site when it is ready for publication. Bruce Barrette appointed Lori Barbeau as the liaison to work with the Department on the forms and certification of hours from classes.

**MOTION:** Wilber Gill moved, seconded by Nanette Kosydar Dreves, that the department publish, on the website, that the conscious sedation requirements will need to be fulfilled by the end of 2006 in order to comply with the new rule. Motion carried unanimously.

### **REGULATORY DIGEST FOR APPROVAL**

**MOTION:** Nanette Kosydar Dreves moved, seconded by Karen Jahimiak, to put the '04 regulatory digest on the website. Motion carried unanimously.

**MOTION:** Richard Strand moved, seconded by Wilber Gill, that the Wisconsin Dental Examining Board (DEB) which has the responsibility of assuring that the residents of the Wisconsin receive good dental care, expresses deep concern over the DRL denial to fund the dental digest which has been the dental and hygienist licensees' source of information from the WDEB on matters of current and past notices and rules. The development of current guidelines and permits for conscious and deep sedation including general anesthesia, the development of the ADEX exam and other licensing requirements and concern have a huge impact on the license holder who pay their fees to practice in Wisconsin. The lack of dissemination of this information by the digest and current low response on the website has a direct relationship to the quality of care for Wisconsin residents. The WDEB request the secretary of the board (Nanette Kosydar Dreves) to include this motion in the minutes of the May 3<sup>rd</sup> board meeting, along with the April 21<sup>st</sup> 2006 letters from Secretary Celia Jackson's denial to Chair Dr. Barrette. Motion carried.

**MOTION:** Nanette Kosydar Dreves moved, seconded by David Carroll, to adopt the 2006 regulatory digest for the website. Motion carried unanimously.

## **CREDENTIALING COMMITTEE REPORT**

Richard Strand reported that six dentists and three dental hygienists were licensed at today's credentialing meeting for a total of twenty Dentists and ten Hygienists to date.

## **AADE REPORT**

Karen Jahimiak reported to the Board about the ADA/AADE meetings that were held in Chicago.

## **CRDTS REPORT**

Richard Strand stated that CRDTS continues to move forward with the ADEX exam and stated that it is being well received.

## **ADEX REPORT**

Bruce Barrette stated the progress that ADEX has made is phenomenal.

## **INFORMATIONAL ITEMS**

Noted.

## **INVITATION OF NEW APPOINTMENT(S) INTO CLOSED SESSION**

**MOTION:** David Carroll moved, seconded by Lori Barbeau, to invite the new appointees into closed session. Motion carried unanimously.

## **CLOSED SESSION**

**MOTION:** Judith Ficks moved, seconded by Wilber Gill, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1)(a)), to consider licensure or discipline (Wis. Stat. § 19.85(1)(b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1)(f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1)(g)). Motion carried by roll call vote: Lori Barbeau-yes; Bruce Barrette-yes; Linda Bohacek-yes; David Carroll-yes; Keith Clemence-yes; Judith Ficks-yes; Wilber Gill-yes; Karen Jahimiak-yes; Nanette Kosydar Dreves-yes Richard Strand-yes; Anne N. Taylor-yes.

Open Session recessed at 11:45 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Judith Ficks moved, seconded by Karen Jahimiak, to reconvene into open session at 2:14 p.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

### **DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

#### **DONALD WADE, DDS**

**MOTION:** Karen Jahimiak moved, seconded by Anne N. Taylor, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Donald Wade, DDS. **Motion failed by roll call vote** (7-no, 3-yes: Bruce Barrette-no; Linda Bohacek-no; David Carroll-no; Keith Clemence-no; Judith Ficks-no; Wilber Gill-no; Karen Jahimiak-yes; Nanette Kosydar Dreves-yes Richard Strand-no; Anne N. Taylor-yes). Lori Barbeau left the room for deliberations and abstained from the vote.

#### **JORGE PINERO, DDS**

**MOTION:** Judith Ficks moved, seconded by Nanette Kosydar Dreves, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Jorge Pinero, DDS. Motion carried unanimously. Richard Strand left the room for deliberations and abstained from the vote.

#### **GRETCHEN K. EVENSON, DDS**

**MOTION:** Linda Bohacek moved, seconded by Lori Barbeau, to accept the proposed stipulation, final decision and order in the matter of disciplinary proceedings against Gretchen K. Evenson, DDS. Motion carried unanimously. Judith Ficks left the room for deliberations and abstained from the vote.

### **ADMINISTRATIVE WARNING**

#### **03 DEN 135**

**MOTION:** Wilber Gill moved, seconded by Keith Clemence, to reject the administrative warning in the matter of case #03 DEN 135.

Motion carried unanimously. Lori Barbeau left the room for deliberations and abstained from the vote.

### **MONITORING**

#### **WILLIAM BEAUPRE, DDS REQUESTING THREE MONTH STAY WITH MODIFICATIONS**

**MOTION:** Nanette Kosydar Dreves moved, seconded by Linda Bohacek, to grant the three month stay and allow modification to at least 30 UA's per year for William Beaupre, DDS. Motion carried unanimously.

#### **DALE FALK, DDS REQUESTING EXTENSION OF TIME FOR CONTINUING EDUCATION (CE)**

**MOTION:** Judith Ficks moved, seconded by Richard Strand, to deny the request for an extension of time for the CE requirement of the Board order for Dale Falk, DDS. Motion carried unanimously.

### **CASE CLOSINGS**

**MOTION:** Nanette Kosydar Dreves moved, seconded by Linda Bohacek, to close case **03 DEN 135** for no violation. Motion carried unanimously. Lori Barbeau abstained.

**MOTION:** Judith Ficks moved, seconded by David Carroll, to close case **03 DEN 016** for insufficient evidence. Motion carried unanimously. Nanette Kosydar Dreves abstained.

**MOTION:** Karen Jahimiak moved, seconded by Nanette Kosydar Dreves, to close case **03 DEN 125** for insufficient evidence. Motion carried unanimously.

**MOTION:** Keith Clemence moved, seconded by Linda Bohacek, to close case **03 DEN 046** for insufficient evidence. Motion carried unanimously.

**MOTION:** Linda Bohacek moved, seconded by Judith Ficks, to close case **05 DEN 075** for administrative closure. Motion carried unanimously.

**MOTION:** Wilber Gill moved, seconded by David Carroll, to close case **02 DEN 010** for no violation. Motion carried.

## **CONSULTING WITH LEGAL COUNSEL**

### **Letter from Attorney Daniel S. Grable, regarding the matter of the application of Dr. Jan Bublik**

**MOTION:** Wilbur Gill moved, seconded by Nanette Kosydar Dreves, that Dennis Schuh be relieved of his duties from the WDEB on all matters related to the issue of licensure of foreign trained dentists. I move that the department of regulation and licensure appoint outside legal counsel that is suitable to the leadership of the Wisconsin Dentistry Examining Board on all matters related to the issue of licensure of foreign trained dentists. Motion carried by roll call vote. (6-yes, 5-no: Lori Barbeau-no; Bruce Barrette-yes; Linda Bohacek-no; David Carroll-no; Keith Clemence-yes; Judith Ficks-no; Wilber Gill-yes; Karen Jahimiak-yes; Nanette Kosydar Dreves-yes Richard Strand-yes; Anne N. Taylor-no.)

## **ADJOURNMENT**

**MOTION:** Wilber Gill moved, seconded by Richard Strand, to adjourn the meeting at 2:22 p.m. Motion carried unanimously.

Next DEB meeting is July 12, 2006.